

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYRONE BARNETT WARD, JR. : CIVIL ACTION
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: :
v. : :
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CITY OF COATESVILLE, PENNA., et al.: NO. 10-0482

M E M O R A N D U M

O'NEILL, J. APRIL 7, 2010

Plaintiff was given leave to file an amended complaint by Order of this Court dated March 25, 2010. Plaintiff has filed a motion to amend his complaint with an amended complaint (Document No. 10), in which he has complied with the Court's instructions. However, for the following reason this civil action will be stayed pending the final resolution of his criminal case, including any available appellate and collateral proceedings.

Plaintiff alleges that he was falsely arrested and imprisoned. He is seeking money damages. In his amended complaint, he informs the Court that his criminal case is still pending in the Chester County Court of Common Pleas. When a plaintiff's criminal case is still ongoing in State Court, the Third Circuit Court of Appeals requires that we stay rather than dismiss plaintiff's civil rights claims seeking damages, pending the outcome of his State Court criminal proceedings. See Williams v. Hepting, 844 F.2d 138, 144-45 (3d Cir. 1988), cert. denied, 488 U.S. 851 (1988).

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O R D E R

AND NOW, this 9 day of April, 2010, having considered plaintiff's motion to amend his complaint and his amended complaint (Document No. 10), it is hereby ORDERED that:

1. All further proceedings in this case shall be STAYED until plaintiff informs the Court that his criminal case has been resolved, including any available appellate or collateral proceedings.
2. The Clerk of Court shall TRANSFER this case to the civil suspense file and mark the case CLOSED for statistical purposes.

BY THE COURT:


THOMAS N. O'NEILL, JR., J.